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C O N F I D E N T I A L SECTION 01 OF 02 PARAMARIBO 000323

SIPDIS

DEPT FOR WHA/CAR RENEE RAGIN, INR FOR BOB CARHART

E.O. 12958: DECL: 08/12/2018

TAGS: [PGOV](#) [PREL](#) [SOCI](#) [NS](#)

SUBJECT: BOUTERSE LAWYER DELAYS TRIAL THROUGH USE OF BIAS
ACCUSATION

REF: PARAMARIBO 5

Classified By: Ambassador for reasons 1.4 (d)

¶1. (U) SUMMARY. On July 25, the "December Process" murder trial of former military strongman Desi Bouterse and his co-defendants was temporarily suspended due to two motions, including an accusation of bias against Judge Cynthia Valstein. Valstein referred the motions to the High Court for their "immediate" resolution. To date they remain unresolved, and it remains unclear whether Suriname has sufficient judges to make a ruling. Bouterse's lawyer's motions are a procedural victory for Bouterse in delaying the trial. END SUMMARY

LEGAL PROCEEDINGS: JUDGE'S HUSBAND TAKING FAVORS?

¶2. (U) On July 25, during a session of the "December Process" murder trial of former military strongman Desi Bouterse and his co-defendants, Bouterse lawyer Irwin Kanhai requested the Court's permission to file two motions. The first motion was a request to the Court to exclude the press from further Court sessions, due to Kanhai's client's (Bouterse) allegation of libel against the press. The second motion was to investigate Judge Cynthia Valstein's alleged bias in favor of the coalition government. Kanhai said Judge Valstein's husband uses one of the rooms of the National Party of Suriname (NPS) party center free of charge to conduct "for fee" martial arts classes. The NPS is the party of President Ronald Venetiaan, Desi Bouterse's political enemy. Kanhai also said the Valsteins park their family car at the NPS center, where it is guarded by an NPS guard free of charge. Kanhai said this evidence of a relationship between the Valsteins and President Venetiaan's political party brings into question the judge's impartiality. Judge Valstein responded that her court may not rule on these motions, and referred the motions to the High Court, which was to "convene as soon as possible." Valstein then suspended the murder trial proceedings until after a High Court ruling. In the intervening three weeks there has been no further action on the case.

OR IS THE JUDGE A CLOSET BOUTERSE SUPPORTER?

¶3. (C) Although easy to dismiss in the hothouse atmosphere of Suriname's rumor-breeding political atmosphere, former Parliamentarian Leakat Mahawatkhan has told EmbOffs that a "December Process" trial with Valstein at the helm would not be successful because "the Judge is corrupt. She's NDP." Mahawatkhan's accusation that Valstein is associated with the National Democratic Party (NDP), which is Bouterse's party, directly contradicts Kanhai's assertion that Valstein is

biased in favor of the NPS. (NOTE Mahawat Khan, a Hindustani, is broadly racist, and Valstein is Creole. As such, his motive for claiming Valstein is corrupt is suspect. END NOTE.)

DEATH BY A THOUSAND PAPER CUTS: TOO FEW JUDGES

¶4. (SBU) The majority of Suriname's judges have already been involved with the "December Process" case, the preparations for which lasted for years before the trial's official start in November 2007. Legal rules in Suriname prevent judges with prior involvement from being re-engaged in the trial. It is not clear whether the High Court currently has enough uninvolved judges to rule on the motions. Kanhai's strategy may end the trial by placing enough motions to make the government run out of judges, causing a stalemate. Constitutional professor Samuel Polanen told Embassy staff that the Court of Justice will have to "hurry up and swear in the judges that recently completed their training, so there is a new batch of judges to call upon in times like these."

COURTHOUSE MOOD: DISAPPOINTMENT, THEN ANGER

¶5. (SBU) Bouterse was summoned to testify at the July 25 proceedings, and many who hoped to see him attended: survivors, local journalists, and other observers, packing the courtroom and the media room outside. Security at the navy-base courtroom was, as usual, extremely tight. However,

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Bouterse, who has repeatedly said he will never set foot in the courtroom, was again absent. Many of those present expressed outrage over Kanhai's surprise motions. Journalists Biemla Gajadin and Henna Draaibar openly voiced to Embassy staff their anger regarding Kanhai's motion to bar the press from attending the trial. Meanwhile, in the intervening weeks local newspapers published dozens of items decrying what was seen by them as an attempt at censorship.

¶6. (SBU) COMMENT. The "neighborhood" feel of Surinamese politics, with its complicated network of familial and social ties, leads many in Suriname to scoff at Kanhai's accusation of bias: in Surinamese logic, if Valstein is "biased" because of her husband's actions, everyone is biased. However, if the motion stands and Valstein must recuse herself, the trial will be further delayed, and its image tarnished. Score one for Bouterse and his lawyer. END COMMENT.
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